

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

UNITED STATES OF AMERICA

v.

DOUGLAS DURAN CERRITOS

Case No. 1:14-cr-00306-GBL-7

**MOTION TO COMPEL  
DISCOVERY**

COMES NOW, Douglas Duran Cerritos, through counsel, Dwight E. Crawley and Joseph R. Conte, to respectfully request this Honorable Court to compel the United States to produce discovery in this matter as required by Federal Rule of Criminal Procedure (F.R.Cr.P.) 16. As grounds for this motion counsel would state the following:

1. The government has provided in discovery nearly 1,000 pages of documents mainly consisting of F.B.I. Form 302s, Reports of Investigation. Most of the documents consist of interviews of individuals most of whom the government intends to call as witnesses at trial.

2. All of the names of the individuals in the documents have been redacted. Without the names the 302s provide counsel no ability to prepare for trial, especially cross-examination and impeachment.

3. The redacted names are material to the defendant in his preparation for trial.

4. Rule 16(a)(1)(E) provides:

MOTION TO COMPEL DISCOVERY  
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COMPEL.wpd 240644GMT-05 MAR16

1 Upon a defendant's request, the government must permit  
2 the defendant to inspect and to copy or photograph books,  
3 papers, documents, data, photographs, tangible objects,  
4 buildings or places, or copies or portions of any of these  
5 items, if the item is within the government's possession,  
6 custody, or control and:

(I) the item is material to preparing the defense;  
(ii) the government intends to use the item in its  
case-in-chief at trial; or  
(iii) the item was obtained from or belongs to the  
defendant.

7 5. To show materiality under 16(a)(1)(E)(I) "[t]here mst be some  
8 indication that the pretrial disclosure of the disputed evidence would have enabled  
9 the defendant significantly to alter the quantum of proof in his favor." *United*  
10 *States v. Caro*, 597 F.3d 608, 621 (4<sup>th</sup> Cir. 2010) citing *United States v. Ross*, 511  
11 F.2d 757, 763 (5<sup>th</sup> Cir. 1975), *cert. denied* 423 U.S. 836. "[E]vidence is material as  
12 long as there is a strong indication that it will play an important role in uncovering  
13 admissible evidence, aiding witness preparation, corroborating testimony, or  
14 assisting impeachment or rebuttal." *Id.* at 621, citing *United States v. Lloyd*, 992  
15 F.2d 348, 351 (D.C. Cir. 1993).

16 6. The names of the people identified in these documents are  
17 necessary to the defense for preparing for trial especially for cross-examination and  
18 impeachment.

19 WHEREFORE counsel respectfully requests that this motion be  
20 granted.

21  
22  
23 Respectfully submitted,

/s/ Dwight E. Crawley  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the forgoing was served by the court's Case Management/Electronic Case Filing (CM/ECF) system this 24<sup>th</sup> day of March 2016.

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